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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			FISH, JAMIESON W	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/821,028	Applicant(s) GUTTA ET AL.	
	Examiner Jamieson W. Fish	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 21 April 2005, have been fully considered but they are not persuasive. The applicant argues that Bates et al. neither discloses nor suggests "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content (See Remarks Pg 2 Paragraphs 1-3)." The examiner respectfully disagrees. Bates does teach the program content type classification means. Bates teaches where program content (e.g. a song), comprises both audio and information packets. When the user is receiving program content, i.e. tuned to a station broadcasting a particular song, information packets and audio packets are separated. The information packets are detected and handled to identify (characterize) the program content (See Col. 5 lines 48-51, Col. 7 lines 61-67, Col. 8 lines 1-29). Thus, Bates teaches program content type classification means for receiving program content and for generating, from said program content, a program content type signal characterizing the program content. Thus, Bates does teach the program content type classification means.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-8, 11-17, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (US 6,748,237).

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2. Regarding claim 1, Bates teaches an entertainment receiver comprising a tuner arrangement, for tuning to selected program sources, each said program sources having a carrier frequency for carrying a program content (See Fig. 1 Receiver 10, Tuner 1, 18, Tuner 2, 32 and Col. 4 lines 24-33), a controller for controlling the tuner arrangement (See Fig. 1 CPU 12 and Col. 3 lines 9-24), the controller including a signal storing arrangement for storing at least one preference for program content type of a user of the receiver (See Fig. 1 Memory 14 and Col. 2 lines 11-27, Col. 3 lines 9-24, Col. 4 lines 66-77 and Col. 5 lines 1-10), and program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content (See Col. 5 lines 48-51, Col. 7 lines 61-67, Col. 8 lines 1-29), the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user (See Fig. 8 and Col. 8 lines 63-67 and Col. 9 lines 1-35).

3. Regarding claim 2, Bates teaches wherein the tuner arrangement includes plural tuners (See Fig. 1 Tuner 1, 18, Tuner 2, 32 and Col. 4 lines 24-33), the controller activating a first of the plural tuners through a gamut of frequencies (Col. 8 lines 63-67 and Col. 9 lines 1-35 "scans tuner 32 forward to the next available station"), said program content type classification means being connected to said first tuner (See Fig. 8 Steps 204 206 and Col. 3 lines 9-24, Col. 9 lines 1-35 Program of CPU or Hardwired

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logic identifies program), the controller being arranged to be responsive to the program content type signals from the program content type classification means, (See Fig. 8 Step 206 Col. 9 lines 1-35 Controller executes different steps depending on classification of program), and the stored program content type preference for deriving a tuning signal for a second of said plural tuners (See Fig. 8 Step 212 Col. 9 lines 1-35).

4. Regarding claim 3, Bates teaches wherein said entertainment receiver further comprises a signal-level detector responsive to an amplitude of a signal passing through second tuner dropping below a threshold for activating the controller to derive an output for enabling the second tuner to be tuned to the carrier frequency of another program source having a program content type corresponding with the preference for the program type of the user and which having an amplitude above the threshold (See Fig. 5-7 Steps 138, 174, 194, 196, Col 3 lines 9-24, Col. 7 1-35 Col. 8 lines 22-67.

Signal level detector is implemented in control program or hardwired logic. If the signal strength of signal passed thru tuner 18 is below a threshold new station routine is preformed. New station routine switches tuner 18 to a new station which has signal strength above the threshold and contains user preferred program content).

5. Regarding claim 4, Bates teaches wherein the controller is arranged for causing the output to activate the tuner to said carrier frequency (See Col. 8 lines 54-56).

6. Regarding claim 5, Bates teaches wherein the controller causes the signal to activate the tuner arrangement to be tuned to said carrier frequency (See Fig. 8 Step 212 and Col. 9 lines 14-16 Switching to a station is activating tuner to be tuned to said carrier frequency).

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7. Regarding claim 6, Bates teaches the entertainment receiver further comprises a signal level detector connected to be responsive to an amplitude of the signal having the carrier frequency of the program source having a program content type corresponding with the preference for the program type of the user, dropping below a threshold for activating the controller to cause the tuner arrangement to tune to another broadcast signal a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user and having an amplitude above the threshold (See Fig. 5-7 Steps 138, 174, 194, 196, Col 3 lines 9-24, Col. 7 1-35 Col. 8 lines 22-67. Signal level detector is implemented in control program or hardwired logic. If the signal strength of signal passed thru tuner 18 is below a threshold new station routine is preformed. New station routine switches tuner 18 to a new station which has signal strength above the threshold and contains user preferred program content).

8. Regarding claim 7, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to input signals associated with inputs of the user derived from sources other than received program content (See Col. 9 lines 49-52).

9. Regarding claim 8, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to received program content (See Col. 5 lines 3-10).

10. Regarding claim 11, Bates teaches the entertainment receiver further comprises a display for displaying an indication of at least one of said carrier frequency and the

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program content type of said program source (See Fig. 2 and Col. 4 lines 44-67, Col. 5 lines 1-10).

11. Regarding claim **12**, Bates teaches a method of tuning an entertainment receiver comprising the steps of: storing at least one signal indicative of preferred program content type for a user of the receiver (See Col. 4 lines 66-77 and Col. 5 lines 1-10 “songs stored in favorites list”); determining, in response to received program content of a plurality of program sources received by the entertainment receiver, program content types of said plurality of program sources (See Fig. 8 Step 204 and Col. 9 lines 1-16); comparing the determined program content types of the plurality of program sources received by the receiver with the stored at least one signal indicative of preferred program content type for a user of the receiver (See Fig. 8 Step 206 and Col. 9 lines 1-16); and activating the receiver so a received program source having a determined program content type corresponding to the preferred program content type is presented to the user (See Fig. 8 Step 212 and Col. 9 lines 1-16).

12. Regarding claim **13**, Bates further teaches the method comprising the steps: activating a first tuner of the receiver through a gamut of frequencies (See Fig. 8 Step 202 and Col. 9 lines 1-16), wherein said determining step determines the program content types of program content of a plurality of program sources carried on a respective plurality of carrier frequencies in the gamut of frequencies (See Fig. 8 Step 204 and Col. 9 lines 1-16), the comparing step compares the determined program content types with the stored preferred program content type (See Fig. 8 Step 206 and Col. 9 lines 1-16), and the activating step tunes a second tuner to the carrier frequency

of a received program source with the determined program content type corresponding to the preferred program content type (See Fig. 8 Step 212 and Col. 9 lines 1-16).

13. Regarding claim **14**, Bates teaches wherein the method further comprises the step of: changing the carrier frequency tuned the second tuner to a carrier frequency of another received program source with the determined program content type corresponding to the preferred program content type in response to an amplitude of a signal level passed by the second tuner dropping below a threshold level (See Fig. 8 Step 208 Col. 9 lines 1-16).

14. Regarding claim **15**, Bates teaches wherein the method further comprises the step of: changing the program source tuned to by the receiver to another received program source with the determined content type corresponding to the preferred program content type in response to an amplitude of the received program source dropping below a threshold level (See Fig. 6-7 Steps 178, 180, 196 and Col. 8 lines 14-62).

15. Regarding claim **16**, Bates further teaches wherein the changing step is effected by performing the determining, comparing and activating steps (See Fig. 5, 7 Steps 146, 152, 196 and Col. 7 lines 1-60 Col. 8 lines 30-62).

16. Regarding claim **17**, Bates teaches wherein said method further comprises the step of: storing the determined program content type signals by supplying, to a storage arrangement, carrier frequencies of program sources having determined program content types corresponding with the preferred program content type of the user (See Fig. 5 Step 144, 150 and Col. 7 lines 1-60).

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17. Regarding claim **21**, Bates teaches wherein the program content type classification means analyzes the program content of the received program source by comparing said program content to a plurality of templates (See Fig. 8 Step 206, Col. 9 lines 1-46 Information packets, program content which identifies the song, are compared to songs in the favorite list).

18. Regarding claim **22**, Bates teaches wherein the program content type classification means analyzes the program content of received program source to determine if the program content is one of a plurality of music types and to determine which is the applicable music type (See Col. 9 lines 36-46).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims **10** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Finseth (US 6,813,775).

21. Regarding claim **10**, Bates differs from the claimed invention in that his invention is embodied for a single user and fails to disclose support of plural users. However, an entertainment receiver storing at least one preference for each of plural predetermined users and further including an input device for enabling identification of which of the predetermined users is using the receiver is well known in the art as disclosed in Finseth (See Fig. 3, 5 and Col. 7 lines 19-29 and Col. 11 lines 2-23). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the entertainment receiver of Bates to store at least one preference for each of plural predetermined users and further comprising an input device for enabling identification of which of the predetermined users is using the receiver, the controller being arranged to be responsive to the input device for tuning the receiver to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the identified user in view of the teachings of Finseth in order to provide user specific preferences in an entertainment receiver with multiple users (See Finseth Col. 11 lines 21-23).

22. Regarding claim **20**, Bates' method differs from the claimed method in that his method is embodied for a single user and fails to disclose storing at least one preference for each of plural predetermined users, identifying which of the predetermined users is using the receiver, performing said comparing an activating steps in regard to the preferred program content type of the identified user. However, an entertainment receiver storing at least one preference for each of plural predetermined users and further identifying which predetermined user is using the receiver is well known in the art as disclosed in Finseth (See Fig. 3, 5 and Col. 7 lines 19-29 and Col. 11 lines 2-23). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates' method of tuning an entertainment receiver so that it included storing at least one preference for each of plural predetermined users, identifying which of the predetermined users is using the receiver, and performing said comparing an activating steps in regard to the preferred

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program content type of the identified user in view of the teachings of Finseth in order to provide user specific preferences in an entertainment receiver with multiple users (See Finseth Col. 11 lines 21-23).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Methods for identifying the genre of program content by comparing the audible characteristics of the program content to templates of audible characteristics associated with different genres is well known in the art. One such method is taught by Lambrou et al ("Classification of Audio Signals Using Statistical Features on Time and Wavelet Transform Domains").

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 7/06/2005



NGOC YEN VU
PRIMARY EXAMINER